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Govt. Tl-27—53,004—27-10-47

Forest M

D.M. **(1948) Department.**

MS **SERIES**

G.O. NO. 5295

Dated 26.10.48

[Despatch Abstract.]

Forests. Panchayats Benares District
Rampur Khalla Taluk - Basantpur Forest Panchayat
Reallocation of Sub-Petition - Rejected

From

N. Siddappa,

Ryot & representative of the President
Kunchur Panchayat Board,

K U N C H U R. (Harpanahalli Taluk).

To

The Hon'ble Minister

for Forest Panchayats & Agriculture,

Fort St. George,

M A D R A S.

Ref:- Your memorandum No.30150-C1/48 dated 18-3-48.

Board's Resolution (Mis) 1604 dated 19-11-1947

Bellary Collector's C.No.8024 B2 dated 2-8-47 and
-do- -do- 28-11-47.

Sir,

Subject:- Forests - Panchayats - Harpanahalli Taluk - Bellary District - Arsanal & Kunchur Forest Panchayat - objection for the abolition of Panchayat - previous agreement urged for approval.

I enclose a copy of the endorsement given to me by the Government. In view of this Government endorsement, I did not press my appeal petition to Government ~~and I~~ but now hear that the Government have since passed orders to the effect that the forest department should take over the supervision of the Forest Panchayats in the Bellary District by the Revenue Department, that the Panchayats will continue to be worked by a body of non-officials of the villages consisting the Panchayat that in cases where the Panchayats are working satisfactorily. The Panchayat may be continued, that in cases where they are not working well a reconstitution by a fresh set of members may be done and that badly managed by Panchayats which after resorting to the above conditions still continued to be bad may be taken over by the Forest

Department direct. This in effect means that the view of the Government is to place the Panchayats under the control of an efficient non-official body being supervised by a technical department (Forest Department).

2. Arasanahal Panchayat of Harpanahalli Taluk was constituted with the members of the two villages i.e. Arasanahal & Kunchur. Arasanal village was all along enjoying seven seats and Kunchur two. A representation was made by us that in view of the fact that Kunchur has more number of cattle and has been purchasing large number of permits year after year, there should be a redistribution of seats. On this, the Collector after carefully going through the past history of the Panchayat and the number of seats enjoyed by the Arasahal village ~~xxxproportionate~~ disproportionate to the number of cattle possessed by them and the little grazing revenue they contributed fixed the number of seats as five for Kunchur and four for Arasanahal in consultation of the Board of Revenue and passed orders accordingly. Election was held at Kunchur on 6-1-48 with five members of Kunchur who formed the Panchayat, the villagers of Arasanahal absenting though the fact of holding election was published a week before as per rules. Since minimum of members required for a Panchayat was five the election held was quiet in accordance with the rules. On this, representation was made to the Collector by the Arasanal People which was rejected. On a representation made by them to the Board on this order, the Board revised the allocation of seats as four is to four for Kunchur and Arasanahal respectively. It is not known on what basis they fixed this allocation. Since they have already given their assent to the original reference made by the Collector, I doubt whether the Board can revise its own orders without making reference to the Government.

NC As per the Board's orders the election held on 6-1-48 was cancelled by the Collector and a fresh election was ordered to be conducted by the Revenue Divisional Officer on 28-4-48 at Arasanahal with four seats for Kunchur and four seats for Arasanahal. Since the Arasanahal people absented from co-operating in the elections on 6-1-48 held at Kunchur, the Kunchur people who lost one seat absented from attending the elections. I hear that the management of the Panchayat has been taken over by the Tahsildar as for the orders of the Collector and that the Panchayats would be placed under the direct control of the Forest Department, when the surrounding Panchayats would continue to be under the management of the non-official body.

A

3 It is not known on what grounds this Arasanahal Panchayat was alone singled out for direct control. Perhaps since the two villages were fighting for seats the Collector proposed to adopt this method. —

4 In a democratic Government it is right of people to claim their place in the administration of their affairs. For the past 15 years Arasanahal villagers enjoyed 7 seats as against 2 by Kunchur and when Kunchur people have now come forward with their legitimate claim for more number of seats, things have taken a different shape. It is not for bad management that the Panchayat has been proposed for - direct control but because of the Kunchur people claiming for more number of seats.

5 Setting apart all things when Arasanahal had enjoyed all along more number of seats why should not the Kunchur people who have a legitimate claim for greater number of seats and who show an aptitude for managing the Panchayat efficiently be given a chance. It is not the monopoly of a particular village who by their activities have shown a decline in the administration of the Panchayat to claim the same concession and continue to run the -

administration when a new set of people who have sacrificed their services for the cause of the country and who want to run the administration on better lines, and who have better claim for representation, be given a chance to constitute the Panchayat and run the same.

Therefore I request that my previous petition to Government be taken up and orders issued fixing five seats to Kunchur and four to Arasanahal and issue orders to the Collector to approve the election held on 6-1-48 as valid and issue orders accordingly. Or direct the Forest Department to constitute the Panchayat with a new set of 5 - members duly chosen by the villagers of Kunchur and 4 from Arasanahal village, the President being elected by the members so constituted so that the people may manage the administration under the guidance and supervision of the Forest Department. It is not our desire that the Forest Department should take over direct control when there are capable persons of the village to run the administration efficiently. I request early orders may kindly be passed in the matter.

Kunchur,
(Harpanahalli Taluk)
Bellary Dt.

Date. 25-6-48.

Yours faithfully,

25/6/48

~~Copy to:~~

~~The Collector, Bellary.~~

GOVERNMENT OF MADRAS
evelopment Deaprtment.
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Memorandum No.30150-CI/48-1 dated 18th March 1948.

Sub:- Forests - Panchayats - Bellary District - Harpanahalli Taluk - Arasanal and Kunchur Forest Panchayat election objection.

Ref:- Petition from Sri. N. Siddhappa dated 13-3-1948.

The Government propose to transfer the administration of the Panchayat Forests in Bellary District to the Forest Department with effect from 1-4-1948. No action will therefore be taken on the petition.

K.G. Menon,
Secretary to Government.

To Sri Kasturi Sivaprakasa Rao,
Advocate for petitioner,
No.56 Luz Church Road, Mylapore, Madras.

Forwarded/By Order.

S.S. 19.3.

Sd/ X X X X
Superintendent.

(True Copy.)

10/9/47 (119/47)

Dev Deptt

Encl No 71870 CJ 48.1 & 6748

Revd with Cuttg 2 6/48

Referred to the ~~Board of Revenue~~ B of Rev for remarks in connection with the cer 6/48

3.7.48 DNG 3.7.48

6/7 Dep

To
the Bd of Rev
(6 with a copy of Ph 1-5 of and Encls as noted Ph 1-4 & 9 of 7 (8)
12-7-48
Cert to the cer (with Do)
NR: 5.8.48

E.R. 2nd in 57 Pages
N.R. 21-8-48

REVENUE DEPARTMENT
Subject

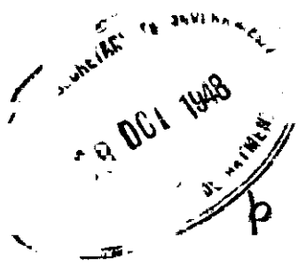
PANCHAYATS - Forests - (Bellary) Harpanahalli Taluk - Arasanal forest Panchayat Reallocation of seats - Board's decision - Objection -Petition to the Government Remarks - submitted.

Station: Madras Ref.No.E.4161/48-3 dated 1-10-48

From: 107863/48

P.M. Jayarajen Esq., Bar-at-law., I.C.S., Secretary, Board of Revenue.

V.S. Hejmadi Esq., I.C.S.,Commissioner of Civil Supplies and Separate Revenue, Madras.



Read:- From the Government Developement Department Endorsement No. 71780C 1 /48-1 dated 6-7-48
From the Collector of Bellary Ref.No.C.7552/48 B2 dated 23-8-48
From the Chief Conservator of Forests. Rc.No.13850/48C1 dated 10-9-48

Reference:

With reference to the Government endorsement first read above the Board submits that the Collector of Bellary and the Chief Conservator of Forests have been consulted in the matter. A copy of the Collector's letter is submitted to the Government. The Collector has reported that in view of the fact that the reserve in question will be taken over for direct management of the Forest Department, the question of reconstituting the Arasanahal forest Panchayat with an elected body does not arise. The Chief Conservator of Forests also agrees to take over the reserve for direct management of the forest Department. In the circumstances the Board agrees with the Collector and the Chief Conservator of Forests that in view of the measure proposed no action is called for on the petition presented to the Government in the matter. The Board requests that the petition under reference may be rejected.

for Secretary.

To
The Secretary to Government, Developement Department.
with staff Saifee file of the Arsanahal F.P.
to be returned

Copy of the letter Ref. C.No.7552/48 B2 dated 23-8-48 from the Collector of Bellary to the Secretary to the Board of Revenue, Madras.

Sub:- Panchayats - Forest - Harapanahalli taluk - Arsanahal Panchayat - Reallocation of seats Board's decision - Objection - Remarks - Submitted.

Ref:- Board's ref. No.E 4161/48-1 dated 21-7-48

The strength of the Arsanahal Forest Panchayat is 9 members. I allotted four seats to Arsanahal and five seats to Kunchur. On an objection petition presented by the cattle owners of Arsanahal, the Board in B.P.Mis.209/18-2-48 ordered the total number of seats to 8 and allotted 4 seats to each of the villages. Accordingly the Revenue Divisional Officer, Hospet was asked to conduct elections. When the Revenue Divisional Officer Hospet conducted elections. on28-4-48 the cattle owners of Kunchur boycotted the elections. As the minimum number for a Panchayat is 5 according to B.S.O. 195-A para 5(111) C.S. 52/9-11-34 the agreement could not be executed with only the four members of Arsanahal village. The Revenue Divisional Officer Hospet reported that the two villages were higly factious and that some arrangement may be made to run the Panchayat satisfactorily. The two villages are incapable of co-operating with each other and working the panchayat satisfactorily.

In G.O. No.2088 Dev. Dept dated 26-4-47 Government have ordered the transfer of the management of allthe Forest Panchayats to the Forest Department till the management is transferred, I have asked the Tahsildar, Harapanahalli to take charge of the adminstration of the Arsanahal Panchayat. At present, the Tahsildar Harapanahalli is managing the Panchayat.

I also consulted the District Forest Officer, Bellary in the Matter. He reports that the Forest Department will shortly take charge of the reserve for direct control and the delay in taking charge of the Arsanahal Panchayat is due to lack of suitable candidates for the posts of Forest guards.

The draft agreement has not been executed withthe elected Panchayatdars as per B.P. Mis.No209 dated 18-2-48 as the Cattle owners of Kunchur did not take part in the elections. The past working of the Panchayat was not satisfactory and therefore I have proposed this Panchayat for dircect control by the Forest Department, under G.O. No.2088 Development Department dated 26-4-48. The Forest Department will be shortly taking charge of the reserve.

In the above circumstances, the question of reconstituting the Panchayat with an elected body of Panchayadars does not arise.

The Saifee file of the Arsanahal Panchayat is herewith enclosed for reference and return.

6/10/48

(True Copy)

(Sd) x x
Collector

For Secretary

Rev Dept

136/27/1

Prime minister's order 26/10/48

Subject:- Forests - Panchayats - (Bellary Dist) - Harpanahalli taluk. Arsanakal Forest Panchayat - Reallocation of seats - Petition - Rejected.

Ref:- Petition from Sri N. Siddappa, Ryot, Representative and President, Kunchur Panchayat Bd, Kunchur, dt 25-6-48

from the Board's Rly. Ref no. E.4161/48.3 dt 1.10.48.

Order no 5295 dt 26.X.48.

The petition is rejected.

2. The records submitted by the Bd. Rly. are returned herewith.

23/10/48 26.10

dpd 27/10

Board's Rly. (Encl 1)

N. Siddappa, President Kunchur Panchayat Board, Kunchur, Harpanahalli Tal Bellary Dist

Well-Wefelk

CNO 7187.0.C(2)48

ph 1-4 c.f.

Forests-Panchayats- Bellary Dt. Harpanhalli taluk-Arsanal and Kunchur Forest -Panchayat-Election objection.
Petition from Sri N.Siddappa dt.25.6.48.

The petition on pp.1-4c.f. may be perused.

2. The petition relates to the election of the Arasanal Forest Panchayat in Harpanahalli Taluk, Bellary District. The facts of the case as stated by petitioner are as follows:-

The Arasanal Forest Panchayat consists of 2 villages - Kunchur and Arasanal. Formerly, Arasanal had 7 seats on the Panchayat and Kunchur 2 seats.. A representation was made by the villages of Kunchur to the effect that there should be a redistribution of seats as Kunchur had more cattle. and took out more grazing permits. The Collector passed orders fixing the number of seats for Kunchur as 5, the villagers of Arasanal then appealed to the Bd. of Rev. against the order of the collector. The Bd. of Rev. revised the Collector's orders and allocated the seats on the Panchayat equally between the two constituent villages as four and four respectiwgly. Against this alteration by the Bd. the petitioner (who was President of the Kunchur Panchayat Bd.) submitted a petition to the Govt. in March,1948,alleging that the Board's allocation was unjust and that the election might be stayed. The petitioner was informed that as the Govt. proposed to transfer the administration of the Panchayat forest in Bellary Dt. to the Forest Deptt. with effect from 1.4.48, no action would be taken on his petition.

Para 2 on ph 2-3 c.f.

ph 1-4 c.f. ⑧

p 9 c.f. ⑧.

3.Orders have since been issued transferring the control of Panchayat forests in Bellary District and in five other districts to the Forest Deptt. In another connection, the C.C.F. has stated that the policy proposed to be adopted in the future management of the Panchayats is to continue or reconstitute such of the existing Panchayats as have managed efficiently and to abolish

G.O. MS/2088 Dev. Dept. 26.4.48 (Mysore Gaz.)

File closed to Rs.

such of the Panchayats as have mismanaged themselves. It is not known whether the Arasanal Forest Panchayat in question has been proposed by the C.C.F. to be continued or liquidated..

4. In his present petition on pp.1-4c.f., the petitioner, who was the President of the Kunchur Panchayat, has stated that the management of the Panchayat is reported to have been taken over by the Tahsildar as per the orders of the Collector that the Panchayat would be placed under the direct control of the Forest Deptt., and that there is no justification for the Forest Deptt. to assume direct control of the ~~panchayat~~ Forest Panchayat and that it should be managed by an elected Panchayat enjoying the confidence of the villagers concerned. He has made the following requests:--

(1) that orders may be issued fixing 5 seats for Kunchur and 4 seats for Arasanal ~~al~~ as requested in his previous petition and that the Collector may be asked to approve the election held on 6.1.48 as valid; or

(2) that the Forest Deptt. may be directed to constitute the Panchayat with a new set of 5 members from Kunchur and 4 ~~seats~~ from Arasanal ~~al~~, the president ~~may~~ being elected by the members so constituted, so that the people may manage the administration under the guidance and supervision of the Forest Deptt.

5. It is not known whether in pursuance of the orders in G.O.2088 Dev.dt.26.4.48 the Forest Panchayat in question will be taken over by the Forest Deptt. as stated by the petitioner at ~~Pnt~~ 'A' on p.3.c/f. The Bd. of Dev. may first be consulted in the matter and it may be asked to submit its report in consultation with the C.C.F. Subject to orders, a draft endorsement is submitted for approval on p.6.c.f.

27/4/48 3.7.48

Devt.(CI) Dept.

To A.S.

Note on pp.1-2 above and the Board's report on pp.7-9 c.f may be perused.

2. The Collector of Bellary has reported that the R.D.O. conducted an election on 28-4-46 for the ~~Arasahal~~ Arsanahal Forest Panchayat on the basis of the allocation of 4 seats to each of the 2 ~~Constituent~~ villages ~~Arasanal~~ Arsanahal and Kunchur as ordered by the Board of Rev., that the ~~cattle~~ owners of Kunchur boycotted the election and that no agreement could be entered into with the Panchayat as it did not have a minimum of 5 members as required by BS.195-A. The villages are reported to be highly factious. As the past working of the Panchayat was not satisfactory, the Collector has entrusted the management of the Panchayat to the Tahsildar of Harpanahalli till such time as the Forest Deptt. assumes direct control. The D.F.O., Bellary is reported to have stated that the Forest Dept. would be shortly taking charge of the reserve and the delay in resuming the ~~Arasanal~~ Arsanahal Panchayat is due to lack of suitable protective ~~supervising~~ staff. The C.C.F. has agreed to take over the management of the Panchayat forest. The Board considers that in view of the above circumstances, no action is called for on the petition and that it may be rejected. For orders whether the Board's recommendation will be accepted and the petition rejected.

Subject to orders, a draft order is submitted for approval

23/10/48

G.O.(Ms) No.2954, Devt., dt. 26.10.48.

A on p.9 of
B on p.9 of
D on p.9 of
D on p.9 of
C on p.9 of
E on p.9 of
4 on p.9 of
A on p.7 of
B on p.7 of
pp 1-4 of